UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

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# CONSTITUTION AND BY-LAWS
OF THE
# ORGANIZED VILLAGE OF KASAAN
# ALASKA

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RATIFIED OCTOBER 15, 1938

UNITED STATES
GOVERNMENT PRINTING OFFICE
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# CONSTITUTION AND BY-LAWS OF THE ORGANIZED VILLAGE OF KASAAN

## PREAMBLE

We, the Indians having a common bond of residence in the neighborhood of Kasaan, Territory of Alaska, do ordain and establish this Constitution and By-laws in accordance with, and by authority of, the Acts of Congress of June 18, 1934 (48 Stat. 984), and May 1, 1936 (49 Stat. 1250).

## ARTICLE I—NAME

SECTION 1. The name of this organization shall be the Organized Village of Kasaan, hereinafter referred to as the Village.

## ARTICLE II—MEMBERSHIP

SECTION 1. The membership of this Village shall be as follows:

(*a*) All persons whose names appear on the roll of those entitled to vote on the adoption of this Constitution and By-laws, consisting of the residents of this Village, as provided in Article VI, Section 2, of the By-laws. Within one year from the approval of this Constitution the Council elected under this Constitution may make corrections in this roll, subject to the approval of the Secretary of the Interior.

(*b*) All children, both of whose parents are enrolled members of the Village.

(*c*) All children, one of whose parents is an enrolled member of the Village and has a permanent home in the Village at the time of the adoption of the Constitution or of the birth of the children.

(*d*) All other persons of Indian blood who make a permanent home in the Village and are adopted by the Council.

SEC. 2. All members and their minor children who cease to make a permanent home in the Village shall cease to be members of this Village until they resume their residence.

SEC. 3. The Council may make rules and regulations governing the enrollment and adoption of members and the conditions under which a member may abandon his membership, or having abandoned it, be readmitted to membership, subject to approval by the Secretary of the Interior.

SEC. 4. *Definition of residence.*—Any person shall be considered a resident of the neighborhood of Kasaan who maintains a home within the recognized Village or in any area in the vicinity of Kasaan which may be reserved or otherwise acquired for the use of the Indians of the Village.

## ARTICLE III—THE GOVERNING BODY

SECTION 1. The governing body of this Village shall be a Council composed of the President and six members, elected by the membership of the Village over the age of 21.

SEC. 2. The membership of the Village shall meet on the second Monday in October and the third Monday in April of each year, at

which time it may increase the size of the Council, or otherwise regulate the size of the Council, provided that the number is not reduced to less than six, and to attend to such other business as may be lawful.

SEC. 3. Council members shall be elected on the annual election date and shall serve for a period of two years or until their successors are elected and qualify. Vacancies may be filled by the Council but only pending the next meeting of the Village, when a new member shall be elected to fill the unexpired term.

SEC. 4. The President shall be elected annually to serve for a term of one year.

SEC. 5. The first regular Council elected under this Constitution shall divide itself into two equal groups "A" and "B." by drawing lots, whereupon the term of office of those in group "A" shall terminate on the election date of each even-numbered year aud the term of those in group "B" shall terminate on the annual election date of each odd-numbered year. Thereafter each member of the Council shall serve two years.

SEC. 6. The Council shall organize itself within 30 days after each annual election date by electing from within its membership a Vice-President, and from within or without, a Secretary, a Treasurer, and such other officers as it may deem necessary. Officers elected from without the Council shall not vote therein.

## ARTICLE IV—ELECTIONS

SECTION 1. The annual election date shall be the first Thursday after the third Monday in April.

SEC. 2. Within 60 days after the approval of this Constitution, the Agent in charge of Indian Affairs in Alaska shall call and supervise an election of a Temporary Council to serve until the first regular election under this Constitution.

SEC. 3. Any adult member of this Village shall have the right to vote.

SEC. 4. All elections shall be by secret ballot and shall be held in accordance with the rules and regulations of the Council.

SEC. 5. It shall be the duty of the Secretary to notify each person of his election within five days thereof.

## ARTICLE V—POWERS

SECTION 1. The Council shall exercise the following powers, subject to any limitations imposed by the statutes or Constitution of the United States and subject further to all express restrictions upon such powers contained in this Constitution and By-laws.

(*a*) To negotiate with the Federal and Territorial Governments on behalf of the Village and to advise and consult with representatives of the Interior Department on all activities of the Department that may affect the Village of Kasaan.

(*b*) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(*c*) To manage and control all the economic affairs and enterprises of the Village in accordance with the terms of a charter which may be issued to the Village by the Secretary of the Interior.

(*d*) To prevent the sale, disposition, lease, or encumbrance of village land, interest in land or waters or in other assets of the Village without the consent of the Council.

(*e*) To organize or to charter associations of its members for economic purposes and to regulate the same.

(*f*) To provide for the guardianship of the persons and property of minors and mental incompetents, consistent with Territorial and Federal law.

(*g*) To levy dues, fees, assessments, and fines on the members for village purposes, and charges on nonmembers for the use of property of the Village, and to provide for the collection thereof.

(*h*) To provide for filling vacancies in office consistent with this Constitution.

(*i*) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Village prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(*j*) To make assignments of village lands to members of the Village in accordance with the custom of the Village or the regulations of the Council.

(*k*) To protect and preserve the property and natural resources of the Village.

(*l*) To cultivate native arts, crafts and culture of the Village.

(*m*) To aid needy members and protect the general welfare and security of the village.

SEC. 2. The Council of the Village of Kasaan may exercise such further powers as may in the future be delegated to the Council by members of the Village or by the Federal or Territorial Government.

SEC. 3. Any rights and powers previously possessed by the Village of Kasaan but not expressly referred to in this Constitution shall not be abridged by this Constitution, but may be exercised by the people of the Village in a referendum vote with the approval of the Secretary of the Interior.

## ARTICLE VI—BILL OF RIGHTS

SECTION 1. The Council shall not restrict or in any way abridge the rights of its members guaranteed under the Constitution of the United States but it shall be its duty to see that the full constitutional rights thereof are maintained and preserved.

SEC. 2. All members of the Village shall be accorded equal right and opportunity to participate and enjoy the resources, property, and benefits of this organization.

## ARTICLE VII—REMOVAL OF OFFICERS

SECTION 1. (*a*) Any member or officer of the Council who is convicted of a felony or any offense involving dishonesty shall forfeit his office.

(*b*) Any member of the Council who is absent from the regular meetings of the Council for a period of three months without cause or excuse, may have his seat declared vacant by the Council, whereupon the Council shall fill it as in other vacancies.

### Article VIII—Federation

The Council may for the purpose of forming a federation or union with other organizations of like character appoint a committee to meet with such other organizations, and submit its findings to the said Council for appropriate action.

### Article IX—Amendment

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Village of Kasaan voting at an election called for the purpose by the Secretary of the Interior, provided that at least 30 per cent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election upon receipt of a written resolution signed by a majority of the Council.

## BY-LAWS OF THE ORGANIZED VILLAGE OF KASAAN

### Article I—Duties of Officers

Section 1. The President of the Council shall preside over all meetings of the Village and shall be chairman of the Council, exercising the usual duties of chairman and any others delegated to him. He may vote in Council meetings only in case of a tie or where the vote is by ballot.

Sec. 2. The Council shall elect a Vice-President, who shall act as president in the absence or disability of the President.

Sec. 3. The Secretary of the Council shall conduct all correspondence and keep a complete and accurate record of all business transacted at Council or Village meetings. It shall be his duty to forward promptly to the Agent in charge of Indian Affairs in Alaska two copies of all minutes of all regular and special meetings of the Council or Village.

The Secretary shall record all rules, regulations and ordinances in appropriate books, indexing the same and assigning a short title, and may publish the same for the information of the Association.

Sec. 4. The Treasurer of the Council shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Council, whether Village funds or other funds for which the Council is responsible. He shall deposit all such funds in such banks or elsewhere as directed by the Council. He shall make and preserve a faithful record of such funds and shall report to the Council all receipts and expenditures and the amount and nature of all funds in his possession or custody. He shall not pay out or authorize disbursement of any funds for which he is responsible except in the manner authorized by the Council.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Council and at such other times as the Council or the Commissioner shall direct. He shall direct the auditor in writing to send two copies of his report to the Agent in charge of Indian Affairs in Alaska. He shall also send two copies of his trial balance once each month to said Agent.

The Council, or, when Federal funds are involved, the Commissioner, may require the Treasurer to give a satisfactory bond, and

until then any Federal funds shall be deposited according to the direction of the Agent in charge of Indian Affairs in Alaska. The Treasurer shall be present at all special or regular meetings of the Council. The Treasurer may with the advice and consent of the Council appoint assistants.

SEC. 5. The duties of all appointive officers or agents shall be clearly defined by a resolution of the Council at the time of their appointment.

### ARTICLE II—QUALIFICATION OF OFFICERS

SECTION 1. No person may be a candidate for any elective office unless he has the qualifications of a voter.

### ARTICLE III—INSTALLATION OF OFFICERS

Each person appointed or elected to an office shall subscribe to the following oath of office before entering upon the duties thereof:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office as _____ to the best of my ability; that I will promote and protect the best interests of the Village of Kasaan, in accordance with this Constitution and By-laws."

### ARTICLE IV—TIME AND PLACE OF MEETING AND ORDER OF BUSINESS

SECTION 1. The Council shall meet on the first Monday of each month at 7:30 p. m., unless otherwise ordered by resolution, and may meet at such other times as may seem desirable to the Council.

SEC. 2. A number equal to one more than one-half of the entire membership of the Council exclusive of the President shall constitute a quorum.

SEC. 3. The following shall be the order of business unless changed by or with the consent of the Council, namely:

Call to order by the President;
Roll call;
Announcement of quorum;
Reading the minutes of the last meeting;
Correction or approval of the minutes of last meeting;
Treasurer's report;
Report of committees;
Unfinished business;
New business;
Adjournment.

SEC. 4. When there is no special rule, Robert's Rules of Order shall be the law governing the procedure of the Council.

SEC. 5. Every resolution, after the explanatory clauses, shall begin with the words: "*Be it resolved by the Council of the Organized Village of Kasaan* * * *."

### ARTICLE V—DEFINITIONS

SECTION 1. Where the masculine pronoun is used it shall be understood to include the feminine.

SEC. 2. The word "adult" means a person who is 21 years of age or over.

ARTICLE VI—RATIFICATION OF CONSTITUTION AND BY-LAWS

SECTION 1. This Constitution and By-laws shall be effective from and after the date of its ratification by a majority vote of those voting at an election called for the purpose by the Secretary of the Interior, provided that at least 30 per cent of those entitled to vote shall vote in such election, the ratification to be formally certified by the Election Board.

SEC. 2. The persons entitled to vote in the election on the adoption of the Constitution and By-laws are all the adult Indians residing in the neighborhood of Kasaan whose names appear on a roll compiled under the direction of the Secretary of the Interior.

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of May 1, 1936 (49 Stat. 1250), do hereby approve the attached Constitution and By-laws of the Village of Kasaan and submit the same for ratification in a popular referendum to be called by the group of Indians having a common bond of residence in the neighborhood of Kasaan, Alaska, under instructions issued by the Secretary of the Interior.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-laws, are hereby declared inapplicable to the Village of Kasaan.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended August 8, 1938.

WILLIAM ZIMMERMAN, JR.,
*Assistant Commissioner of Indian Affairs.*

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*
[SEAL]

WASHINGTON, D. C., *August 22, 1938.*

CERTIFICATION OF ADOPTION

Pursuant to an order, approved August 22, 1938 by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to all the adult Indians residing in the neighborhood of Kasaan on October 15, 1938 and was duly ratified by a vote of 37 for and 0 against, in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

WELLS JONES,
*Chairman, Election Board.*
RAYMOND L. JONES,
*Secretary, Election Board.*

CLAUDE M. HIRST,
*Government Representative.*